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Chairman
4th District, Oklahoma

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 2—Student Results Act

H.R. 2466—FY 2000 Interior Appropriations Act (Conference Report)

H.R. 2300—Academic Achievement for All Students Act



H.R. 2—Student Results Act

Floor Situation: The House will complete consideration of H.R. 2 as its first order of business today. Yesterday, the House completed general debate and began considering amendments under a modified open rule. The rule waives all points of order against consideration of the bill. It makes in order a committee amendment in the nature of a substitute as base text. The rule requires that amendments be pre-printed in the *Congressional Record*. Furthermore, it limits total debate time on amendments to six hours (of which the House has completed approximately two hours). The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2 reauthorizes Title I of the 1965 Elementary and Secondary Education Act (ESEA) and other programs for FYs 2000-2004, channeling approximately \$8 billion annually into programs for roughly 10 million disadvantaged students. Programs authorized in the bill include Title I, Part A (education of the disadvantaged), the Migrant Education program, Neglected and Delinquent children programs, Magnet Schools Assistance, Native American, Hawaiian, and Alaskan education programs, the Gifted and Talented program, Rural Education assistance, and the Stewart B. McKinney Homeless Assistance program. Specifically, the bill:

- * modifies existing accountability provisions to ensure that each separate subgroup of students (*e.g.*, economically disadvantaged, limited English proficiency, minorities, students with disabilities) as well as students as a whole show increased academic achievement gains at the state, school district, and school levels;

- * requires school officials to seek the informed consent of parents before placing their children in a bilingual education program funded under Title I;
- * allows parents of children who attend schools that receive Title I funding for “school improvement” to transfer their children to another public school or public charter school that does not receive such funding;
- * changes the poverty threshold requirement for schoolwide program eligibility from 50 percent to 40 percent poverty;
- * requires, no later than three years after enactment, all teachers’ aides to have (1) completed at least two years of study at an institution of higher education; (2) obtained at least an associate’s degree; or (3) met a rigorous standard of quality established at the local level, which includes an assessment of math, reading, and writing. In addition, the bill freezes the number of teacher aides at their current levels, with limited exceptions;
- * authorizes a new \$20 million public school choice program to provide competitive grants to state and local educational agencies to support programs that promote innovative approaches to public school choice;
- * reauthorizes bilingual education programs;
- * continues gender equity standards; and
- * provides limited civil litigation immunity for teachers, principals, local school board members, superintendents, and other educational professionals who engage in reasonable actions to maintain school discipline.

CBO estimates that, assuming appropriation of authorized amounts, H.R. 2 will increase federal outlays by \$55 million in the first year and by \$27.7 billion over the five-year period. The measure was introduced by Mr. Goodling; the Education & the Workforce Committee reported the bill by a vote of 42-6 on October 13, 1999.

Views: Both the Republican leadership and the president support passage of the bill. President Clinton, however, has expressed concern over provisions in the bill that require parental consent for bilingual education programs and lower the poverty threshold for schoolwide program eligibility to 40 percent, among other provisions.

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 2:

Mr. Ackerman may offer an amendment (#6) to require local education agencies (LEAs) with two or more counties in their jurisdiction to provide to each school an amount of funding per pupil that is at least equal to the amount provided for the preceding fiscal year. *Contact: x5-2601*

Mr. Ackerman, Mr. Crowley, or Mr. Engel may offer an amendment (#7, #17, or #19) to require LEAs with two or more counties in their jurisdiction to treat each county as if it were a separate agency when calculating grant allocations—*i.e.*, the total grant for each county must be proportional to its share of the population figures used to calculate grants. *Contact: x5-2601 (Ackerman)*

Mr. Ackerman may offer an amendment (#8) to include in the definition of a “limited English proficient” children a student whose native language is American Sign Language. *Contact: x5-2601*

Mr. Andrews may offer an amendment (#9) to permit schools to use their schoolwide program funds to establish or enhance pre-kindergarten programs. Schools that receive such funding must consider such actions as hiring child development specialists, collaborating with interested members of the community, and specifying how results will be measured. *Staff Contact: Chris Jones, x5-6501*

Mr. Andrews may offer an amendment (#10) to make the training of principals and vice principals a permissible activity under professional development activities. *Staff Contact: Chris Jones, x5-6501*

Mr. Andrews may offer an amendment (#11) to prohibit Title I funds from being used to purchase needles that are not infusion safety devices, commonly known as “safe needles.” *Staff Contact: Chris Jones, x5-6501*

Mr. Andrews may offer an amendment (#12) to (1) express the sense of Congress that the Head Start program should be fully funded, and (2) authorize a new grant program to permit LEAs to establish or expand pre-kindergarten programs for three- and four-year-old children. *Staff Contact: Chris Jones, x5-6501*

Mr. Armey may offer one an amendment (#1, #2, #13, or #56) to establish a voluntary nationwide, five-year public and private school choice pilot program for grades one through five. The program will allow students who attend “failing” schools to receive up to \$3,500 in scholarship funds to attend a public, private, or parochial school in their state. The program will be administered by governors and state education officials in cooperation with the Education Secretary.

In addition, the amendment stipulates that any student who attends a school that receives Title I funding will be eligible to receive a scholarship if he becomes a victim of violence or attends a school that has been designated by the state as “unsafe.” Criteria for an “unsafe” school include high rates of (1) gun and drug possession, (2) participation in youth gangs, and (3) theft, among others. *Staff Contact: Kevin Washington, x5-7772*

Mr. Bilbray may offer an amendment (#14) to require the Education Secretary to reimburse states for the costs of educating illegal immigrant students in grades K-12. The secretary must account for the average number of eligible illegal alien students in the state during any school day as well as the state’s average per-pupil expenditures. *Staff Contact: Brad Rossin, x5-2040*

Mr. Crowley may offer an amendment (#15) to express the sense of Congress that federal, state, and local agencies need to financially assist school districts that face significant increases in student enrollment. *Staff Contact: Maggie Berman, x5-3965*

Mr. Crowley or **Mr. Engel** may offer an amendment (#16 or #18) to stipulate that, if sufficient funds are available, local education agencies (LEAs) with two or more counties in their jurisdiction must provide to each school an amount of funding per student that is at least equal to that provided during the preceding fiscal year. *Staff Contact: Maggie Berman (Crowley), x5-3965*

Mr. Fattah may offer an amendment (#20) to require states to certify to the Education Secretary annually that (1) per-pupil expenditures are substantially equal, and (2) the achievement levels of students in LEAs with the lowest per-pupil expenditures are substantially equal to students in LEAs with the highest expenditures. *Staff Contact: Neil Snyder, x5-4001*

Mr. Fattah may offer an amendment (#21) to require state education agencies (SEAs), when applying for Title funding to describe (1) how they will assist LEAs and schools to ensure that all students achieve proficient levels of performance; and (2) comparable levels of education services among LEAs. *Staff Contact: Neil Snyder, x5-4001*

Mr. Gejdenson may offer an amendment (#22) to authorize a new \$35 million annual grant for institutions of higher education and qualified entities to provide violence prevention training as part of their early childhood education training programs. *Staff Contact: Lisa Brown, x5-2076*

Mr. Hill (IN) may offer an amendment (#24) to authorize a new grant program for school districts to implement and administer plans to create smaller schools. Funds provided by the grant may be used to hire additional staff, remodel facilities, or for other reasonable expenses. The amendment authorizes \$100 million for FYs 2000-2001, \$200 million for FY 2002, and \$300 million for FY 2003. *Contact: x5-5315*

Mr. Hinojosa may offer an amendment (#25) to establish a national parent advisory council to advise the Education Secretary on migrant education programs. The council will consist of 10 geographically representative parent members and five appointed by the secretary. *Contact: x5-2531*

Mr. Hinojosa may offer an amendment (#26) to establish a “vital information channel” consisting of a database of essential statistics on migrant education. The channel must be operational within two years of enactment; states will be responsible for providing the electronic data interface, if necessary, to link their student databases to the information channel. The amendment authorizes the Education Secretary to reserve \$1 million for FYs 2000-2001 to implement the channel. *Contact: x5-2531*

Mr. Hoekstra may offer an amendment (#28) to encourage states to reduce paperwork and reporting requirements to ensure that at least 95 percent of every education dollar goes to classrooms. *Staff Contact: Lisa Bos, x5-4401*

Ms. Jackson-Lee may offer an amendment to require the Education Secretary, in consultation with the National Academy of Sciences, to study methods to identify and treat children with dyslexia in grades K-3. The report must be submitted to Congress within 120 days of enactment. *Staff Contact: Ayanna Hawkins, x5-3816*

Ms. Maloney may offer an amendment (#3) to create a new bonus program for school districts that implement policies to end social promotion, whereby students are advanced to the next grade despite inadequate academic performance. The bonus may be used by schools to support summer school classes or weekend classes, extend day programs, or provide tutoring or other intervention initiatives. *Staff Contact: Keith Spengler, x5-7944*

Ms. Maloney may offer an amendment (#30) to establish a grant program for Holocaust education and awareness. The amendment authorizes the Education Secretary to allocate \$2 million annually over the FY 2000-2004 period for the grant. *Staff Contact: Keith Spengler, x5-7944*

Mr. McIntosh may offer an amendment (#31) to express the sense of Congress that direct systematic phonics instruction should be used in all elementary and secondary schools. *Staff Contact: Krista Kafer x5-3021*

Ms. Napolitano may offer an amendment (#32) to add to the bill's findings that (1) the global, high-tech economy demand more emphasis on math and science in grades K-12, and (2) only 3.5 percent of Hispanics hold high-tech jobs compared to 7.7 percent of non-Hispanic whites. *Staff Contact: Kate Krause, x5-5256*

Ms. Napolitano may offer an amendment (#33) to stipulate that professional development funding should (1) provide teachers with innovative, culturally sensitive strategies to work with minority and disadvantaged students, (2) foster student interest in math and science, and (2) develop better communication with parents. *Staff Contact: Kate Krause, x5-5256*

Ms. Norton may offer an amendment (#34) to permit community learning center funds to be used for kindergarten and pre-kindergarten programs. *Staff Contact: Matt Morrison, x5-8050*

Mr. Owens may offer an amendment (#35) to increase the total authorization for the bill to \$11.1 billion (the measure authorizes \$8.4 billion). In addition, the amendment requires that at least 25 percent of the additional funding be spent on eliminating health and safety hazards and increasing wiring capabilities in schools. *Staff Contact: Larry Walker, x5-6231*

Mr. Owens may offer an amendment (#36) to increase the total authorization for the bill to \$11.1 billion. In addition, the amendment requires that at least 10 percent of the additional funding be spent on comprehensive training programs for personnel responsible for educational technology programs. *Staff Contact: Larry Walker, x5-6231*

Mr. Owens may offer an amendment (#37) to increase the total authorization for the bill to \$11.1 billion. In addition, the amendment requires that at least 15 percent of the additional funding be spent on scholarships for teacher aides. *Staff Contact: Larry Walker, x5-6231*

Mr. Payne may offer an amendment (#38) to reinstate the current schoolwide poverty threshold at 50 percent. The bill currently lowers the poverty requirement for a schoolwide program—whereby services are made available to the entire school and whereby the school may combine various federal funds with state and local funds to serve the entire student body—to 40 percent. *Contact: x5-3436*

Mr. Payne may offer an amendment (#39) to authorize \$250 million for FY 2000 and such sums as necessary for FYs 2001-2004 for an urban education program. The amendment incorporates the new grant into the rural assistance initiative authorized by the bill. Funds provided by the grant may be used for such activities as recruiting teachers, increasing the academic achievement of urban public school children, and facilitating parental involvement. *Contact: x5-3436*

Mr. Petri may offer an amendment (#40) to add science to Title I's standards and assessments for math and reading. *Staff Contact: Michael Lach, x5-3831*

Mr. Petri (#41 or #42) may offer an amendment to establish a pilot program to permit up to 10 states, with the approval of their legislators and governors, to convert Title I funds into a portable benefit—*i.e.*, a per-pupil amount will be issued to parents who may then use the funding to cover the costs of any public, private, parochial, or charter school. *Staff Contact: Raj Bharwani, x5-2476*

Mr. Roemer may offer an amendment (#43) to increase the authorization of Title I, Part A. from \$8.4 billion to \$9.9 billion annually. *Staff Contact: Maggie McDowe, x5-3915*

Mr. Roemer may offer an amendment (#44) to require school districts to provide training for teacher aides. Funding for this professional development activity may be derived from the five-percent of annual Title I allocations that school districts must set aside for training teachers, principals, and other school staff. **Staff Contact: Maggie McDowe, 5-3915**

Mr. Schaffer may offer an amendment (#46, #47, #48, or #49) to require school districts to offer public school choice for students who attend overcrowded or unsafe schools (criteria for an “unsafe” school include high rates of (1) gun and drug possession, (2) participation in youth gangs, and (3) theft, among others), are taught by unqualified teachers and paraprofessionals, or attend a school that is not readily accessible by the physically handicapped. **Staff Contact: Doug Mesecar, x5-4676**

Mr. Scott may offer an amendment (#50) to limit to 10 percent the amount of funds an LEA may use to pay for transporting disadvantaged students to another public school or charter school. **Staff Contact: Teresa Thompson, x5-8351**

Mr. Scott may offer an amendment (#57) to eliminate provisions in the bill that provide limited civil litigation immunity for teachers, principals, local school board members, superintendents, and other educational professionals who engage in reasonable actions to maintain school discipline. **Staff Contact: Teresa Thompson, x5-8351**

Mr. Tancredo may offer an amendment (#51, #52, or #53) to require the Education Secretary to publish in the *Federal Register* a notice of new rules regarding bilingual education programs, as proposed by the Office of Civil Rights of the Education Department. In addition, the amendment prohibits the Education Secretary from entering into a compliance agreement with the office until the department promulgates a final rule on bilingual education programs. **Contact: x5-7882**

Mr. Udall (NM) may offer an amendment (#58) to authorize the Education Secretary to grant to the Santa Fe Indian School a permanent permit for the entire grounds of the school. **Contact: x5-6190**

Ms. Wilson may offer an amendment (#54) to require the Education Secretary to conduct a peer-review study to examine similarities between the Perry Preschool Study and the Head Start and Even Start programs. The report must be submitted to Congress within 180 days of enactment and include policy recommendations. **Staff Contact: Clint Williamson, x5-6316**

Ms. Wilson may offer an amendment (#55) to require the General Accounting Office (GAO) to study the availability of funds for facilities for charter schools and whether such schools have access to local education bonds or funds. The report must be submitted to Congress within 90 days of enactment and include policy recommendations. **Staff Contact: Clint Williamson, x5-6316**

Additional Information: See *Legislative Digest*, Vol. XXVIII, #30, October 15, 1999.



H.R. 2466—FY 2000 Interior Appropriations Act (Conference Report)

Floor Situation: The House will consider the conference report to H.R. 2466 after it finishes considering H.R. 2. Conference reports are privileged and may be considered anytime three days after they are filed; they are debatable for one hour and may not be amended. Yesterday, the Rules Committee granted a rule waiving all points of order against the conference report and its consideration.

Summary: The conference report to H.R. 2466 appropriates \$14.5 billion in new FY 2000 budget authority, \$599.3 million more than the House-passed bill, \$236.1 million more than the FY 1999 level (although this amount included \$276.7 million in emergency supplemental funding), and \$732.2 million less than the president's request. Approximately half of the bill's funding, \$7.3 billion, finances Interior Department programs to manage and study the nation's animal, plant, and mineral resources. The balance of the measure's funds support other, non-Interior agencies that perform related functions. These include the Forest Service, conservation and fossil energy programs run by the Energy Department, and the Indian Health Service, as well as the Smithsonian Institution and similar cultural organizations. Specifically, the conference report provides:

- * \$1.8 billion for the National Park Service (NPS), \$45.1 million more than last year and \$54 million more than the House-passed bill. This amount includes \$1.4 billion for national park operations, a \$79.5 million increase over last year and a \$22.2 million decrease from the House measure;
- * \$871.1 million for the Fish and Wildlife Service, \$31.3 million more than last year and \$30.9 million more than the House-passed bill;
- * \$2.4 billion for the Indian Health Service, \$130.3 million more than in FY 1999 and \$25.3 million less than the House-passed bill;
- * \$114.7 million for Everglades restoration, an increase of \$11.4 million over last year for land acquisition and equal to the House-passed level;
- * \$1.8 billion for the Bureau of Indian Affairs, \$70.2 million more than last year and \$28.6 million more than the House-passed bill;
- * \$1.25 billion for the national forest system, \$47.1 million less than last year and \$2.9 million less than the House-passed bill;
- * \$1.1 billion for the Department of Energy, \$190 million less than FY 1999 and \$164.2 million more than the House-passed bill; and
- * \$238.1 million for the National Foundation on the Arts and the Humanities, \$6 million more than last year and \$5 million more than the House-passed bill. This includes \$98 million for the National Endowment for the Arts, equal to both last year's level and the House-passed measure, and \$115.7 million for the National Endowment for the Humanities, \$5 million more than both last year and the House measure.

The conference report also:

- * allows expiring leases for grazing on federal land to be reissued until the BLM can conduct required environmental assessments. After these assessments are completed, the BLM may renegotiate the lease conditions. The House-passed bill extended grazing permits scheduled to expire during FY 2000 for the remainder of that year pending the permit renewal process;
- * continues the recreational fee demonstration program, which allows public land agencies to keep funds locally to reduce the trail and facility maintenance backlog;
- * exempts certain mining applications and operations from the Interior Solicitor's 1997 ruling that limits the amount of public land mining companies may use to dump mining waste (known as "mill sites"). The House-passed bill prohibited funds in the bill from being used to process applications for approving patents or operational plans that conflict with the views of the Interior Solicitor; and
- * prohibits the Mineral Management Service from proceeding with any rulemaking regarding oil valuation until the General Accounting Office (GAO) studies the issue. The study must be completed within 180 days. This issue was not addressed in the House-passed bill.

The House passed H.R. 2466 by a vote of 377-47 on July 15, 1999. The Senate passed the measure by voice vote on September 23. The conference report was submitted by Mr. Regula on October 20.

Views: The Republican leadership supports passage of the bill. An official Clinton Administration view was unavailable at press time.

Additional Information: See *Legislative Digest*, Vol. XXVIII, #30, Pt. III, October 20, 1999; and #20, July 9, 1999.



H.R. 2300—Academic Achievement for All Students Act

Floor Situation: The House will consider H.R. 2300 after it finishes considering the conference report to H.R. 2466. Yesterday, the Rules Committee granted a structured rule providing two hours of general debate, equally divided between the chairman and ranking member of the Education & the Workforce Committee. The rule waives House rules prohibiting appropriations in legislative bills. In addition, the rule self-executes two amendments (*i.e.*, incorporates into the base text upon passage of the rule) and makes in order two other amendments, debatable in the order listed and for the amount of time specified below. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2300, as modified by self-executing amendments by Mr. Goodling and Mr. Castle, gives up to 10 states the option of submitting a charter proposal to the Education Department to set specific and measurable performance goals to be reached over a five-year period. Under the measure, states will be granted the flexibility to use any of their regular federal K-12 formula program funds to meet state education priorities and programs—thus, states may opt out of federal regulations that restrict how they may use federal funds—in exchange for being held accountable for meeting their goals.

In addition, participating states will be free to combine federal funds from multiple programs to more effectively address the needs of students. Eligible programs include Title I, the Eisenhower Professional Development program, the Technology Literacy Challenge Fund, the Safe and Drug Free Schools program, the Emergency Immigrant Education Act, McKinney Education Homeless Assistance, the Title VI block grant, the Class Size Reduction program, Goals 2000, and Perkins Vocational Education. Programs funded under the Individuals with Disabilities Education Act (IDEA) are not included. The program will take effect beginning in FY 2001 (the original committee-reported measure established an effective date beginning in FY 2000 and also made the program available to all states).

The bill was introduced by Mr. Goodling *et al.*; the Education & the Workforce Committee reported the bill by a vote of 26-19 on October 13, 1999.

Views: The Republican leadership supports passage of the bill. President Clinton strongly opposed the measure in its initial form; an official Clinton Administration view on the modified bill was unavailable at press time.

Amendments: As stated above, the rule makes in order the following two amendments to H.R. 2300, debatable for the amount of time specified and in the order listed:

Mr. Goodling will offer an amendment, debatable for 10 minutes, to (1) require participating states to set academic performance goals for improving student performance in science and address the needs of disadvantaged students if they choose to include Title I grants in their performance agreement; and (2) prohibit funds from being used for private school tuition. *Staff Contact: Education Committee (Majority Staff), x5-4527*

Mr. Fattah will offer an amendment, debatable for 20 minutes, to require participating states to certify to the Education Secretary that either the per pupil expenditures are “substantially equal” across the state or that achievement levels are “substantially equal” across the state. *Staff Contact: Neil Snyder, x5-4001*

Additional Information: See *Legislative Digest*, Vol. XXVIII, #30, October 15, 1999.

